

DOCKET NO. D-1987-057 CP-4

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

**Tobyhanna Army Depot
Groundwater Withdrawal
Coolbaugh Township, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by GTS Tech, a Division of American Engineers Group-LLC on behalf of Tobyhanna Army Depot (TYAD) to the Delaware River Basin Commission (DRBC or Commission) on March 21, 2016 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The groundwater withdrawal project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on April 12, 2000 (Permit No. 2450053).

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on August 10, 2016.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to renew the approval of an existing groundwater withdrawal of up to 20.66 million gallons per month (mgm) to the TYAD distribution system from existing Wells 2, 6 and new Wells 7, 8, 9 and 10. The new wells will be replacing Wells 1, 3, 4 and 5 which were previously approved to supply groundwater to the docket holder's distribution system. Water is used for domestic water supply, industrial processes and cooling and commercial purposes at TYAD. TYAD is not requesting an increase in surface water withdrawal allocation from that contained in its prior approval.

2. **Location.** The project wells are completed in the Poplar Gap Member of the Catskill Formation in the Tobyhanna Creek Watershed in Coolbaugh Township, Monroe County, Pennsylvania within the drainage area to the Lower Delaware, which is classified as Special Protection Waters. Tobyhanna Creek near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Cold Water Fishes (CWF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The project wells supply water to the docket holder's distribution system which serves the TYAD installation and adjacent off post housing areas as delineated on the map entitled "Tobyhanna Army Depot Water Service Area Map" submitted with the application. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** The TYAD water supply system serves water to 4,516 people through 120 domestic service connections, 22 industrial service connections and 5 commercial service connections and records an existing average and maximum water demand of 0.150 million gallons per day (mgd) and 0.576 mgd, respectively. Through continued water conservation and leak detection activities, the docket holder projects the 10-year average and maximum water demand to decrease to 0.132 mgd and 0.500 mgd, respectively. The allocation of 20.66 mgm should be sufficient to meet the future demands of the TYAD.

Presently, water usage at TYAD is divided as follows: 57 percent for domestic use, 40 percent for industrial processes, 2 percent for industrial cooling and approximately 1 percent for commercial use.

b. **Facilities.** The existing project wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
2	380	50' / 8"	103	1942
6	215	73' / 8"	141	1986
7	247	56' / 8"	75	2015
8	346	63' / 8"	75	2015
9	197	55' / 8"	150	2015
10	196	63' / 8"	150	2015

All wells are metered.

Approximately 65 percent of the TYAD service connections are metered. Over the past several years, additional meters have been installed in areas with high water consumption as part of building upgrade/renovation projects. Portable water meters are used at water using equipment to help account for water usage. Also, TYAD utilizes real time monitoring of system pressure and daily data from 56 acoustic leak sensors which are read monthly to detect any system leaks.

Prior to entering the distribution system, the water is treated by pH adjustment (soda ash), chlorination (liquid and gas) and corrosion control (orthophosphate).

Wells 6, 7 and 8 are located within the boundary of the FEMA mapped 100-year floodplain. Base flood elevations have not been determined in this area. The wellhead for Well 6 is located on a concrete pad one foot above the pump house floor. Wellheads for Wells 7 and 8 will be constructed similarly to Well 6.

TYAD is not interconnected with any other water distribution systems.

c. Wastewater is conveyed to the TYAD sewage treatment facility most recently approved by DRBC Docket No. D-2009-041 CP-3 on April 15, 2015. The PADEP issued its most recent NPDES Permit No. PA0010987 on April 17, 2014 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the project.

d. **Cost.** The overall cost of this project is estimated to be \$ 4,349,500.

e. **Relationship to the Comprehensive Plan.** The project wells were previously included in the Comprehensive Plan by the Commission in Docket Nos. D-1987-057 CP, D-1987-057 CP REN, D-1987-057 CP-3 approved on January 25, 1989, March 3, 1999 and March 12, 2014, respectively. Issuance of this docket will continue the groundwater withdrawal project in the Comprehensive Plan.

B. **FINDINGS**

Special Protection Waters

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC *Water Quality Regulations* (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the *Compact* that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated

within the portion of the docket holder's service area which is also located within the drainage area of Special Protection Waters. The wells providing water supply to TYAD are located within in the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities/service areas and there are not any new or increased non-point source loads associated with this approval, the non-point source pollution control plan requirement is not applicable at this time. Accordingly, Special Condition C.II.v has been included in the Decision section of this docket.

Well 7 Hydrogeologic Evaluation

On January 18 through January 21, 2016, a 72-hour continuous-rate pumping test was conducted to assess withdrawal capabilities of Well 7. The well was drilled 247 feet deep with 56 feet of casing installed and grouted. The major water-bearing zones were encountered at 96, 115, 166, 222 and 247 feet. The constant rate pumping test was also conducted to assess the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Well 7 was approximately 120 gallons per minute (gpm). Discharge from the pumping well was directed outside of the estimated area where recharge effects might be expected. Well 7 was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Well 7), three (3) monitoring wells (Wells 8, 9 and 10) and three (3) piezometers in the wetlands located adjacent to the pumping well. Monitoring wells ranged in distance to the pumping well from approximately 345 feet (Well 9) to approximately 450 feet (Well 8). The piezometers in the wetlands were located approximately 300 feet (MP-1) to 490 feet (MP-3) from the pumping well.

Prior to the start of the pumping test, the water level in Well 7 was 27.18 feet below ground surface (bgs). Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at a rate of 120 gpm, was 8.41 feet (water level of 35.59 feet bgs). Drawdown as a result of pumping was observed in the three (3) monitoring wells. Monitoring Wells 8, 9 and 10 exhibited drawdowns of 2.33 feet, 3.10 feet and 3.01 feet, respectively. Drawdown as a result of the withdrawals from the Well 7 were not discernable in the wetland piezometers. TYAD Well 6 was in operation during the pumping test of Well 7 and the pumping at Well 6 impacted the water level in Well 7. Drawdown attributed to pumping from Well 6 was approximately 2 feet.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The transmissivity value for Well 7 test data was 4,353 ft²/day, at the test rate of 120 gpm. Including calculations from the monitoring wells the average transmissivity value for the pumping test was 4,687 ft²/day. An average Storativity of 1.88×10^{-6} was calculated from the drawdown data observed at monitoring wells 8, 9 and 10 monitored during the pumping test. The storage coefficient is indicative of confined conditions.

The DRBC has reviewed the hydrogeological report for Well 7 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well 7.

Well 8 Hydrogeologic Evaluation

On January 11 through January 14, 2016, a 72-hour continuous-rate pumping test was conducted to assess withdrawal capabilities of Well 8. The well was drilled 346 feet deep with 63 feet of casing installed and grouted. The major water-bearing zones were encountered at 120 and 167 feet. The constant rate pumping test was also conducted to assess the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Well 8 was approximately 120 gallons per minute (gpm). Discharge from the pumping well was directed outside of the estimated area where recharge effects might be expected. Well SWC-13 was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Well 8), three (3) monitoring wells (Wells 7, 9 and 10) and three (3) piezometers in the wetlands located adjacent to the pumping well. Monitoring wells ranged in distance to the pumping well from approximately 450 feet (Well 7) to approximately 890 feet (Well 10). The piezometers in the wetlands were located approximately 405 feet (MP-3) to 445 feet (MP-1) from the pumping well.

Prior to the start of the pumping test, the water level in Well 8 was 22.67 feet bgs. Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at a rate of 120 gpm, was 19.76 feet (water level of 43.99 feet bgs). Drawdown as a result of pumping was observed in the three (3) monitoring wells. Monitoring Wells 7, 9 and 10 exhibited drawdowns of 1.36 feet, 1.12 feet and 1.01 feet, respectively. Drawdown as a result of the withdrawals from the Well 8 were not discernable in the wetland piezometers. TYAD Well 6 was in operation during the pumping test of Well 8 and the pumping at Well 6 impacted the water level in Well 8. Drawdown attributed to pumping from Well 6 was approximately 2.5 feet.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The transmissivity value for Well 8 test data was 3,132 ft²/day, at the test rate of 120 gpm. Including calculations from the monitoring wells the average transmissivity value for the pumping test was 3,707 ft²/day. An average Storativity of 1.22×10^{-10} was calculated from the drawdown data observed at monitoring wells 7, 9 and 10 monitored during the pumping test. The storage coefficient is indicative of confined conditions.

The DRBC has reviewed the hydrogeological report for Well 8 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well 8.

Well 9 Hydrogeologic Evaluation

On December 7 through December 10, 2015, a 72-hour continuous-rate pumping test was conducted to assess withdrawal capabilities of Well 9. The well was drilled 197 feet deep with 55 feet of casing installed and grouted. The major water-bearing zones were encountered at 82, 102 and 118 feet. The constant rate pumping test was also conducted to assess the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Well 9 was approximately 200 gallons per minute (gpm). Discharge

from the pumping well was directed outside of the estimated area where recharge effects might be expected. Well 9 was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Well 9), three (3) monitoring wells (Wells 7, 8 and 10) and three (3) piezometers in the wetlands located adjacent to the pumping well. Monitoring wells ranged in distance to the pumping well from approximately 300 feet (Well 10) to approximately 745 feet (Well 8). The piezometers in the wetlands were located approximately 405 feet (MP-3) to 445 feet (MP-1) from the pumping well.

Prior to the start of the pumping test, the water level in Well 9 was 32.88 feet bgs. Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at a rate of 200 gpm, was 6.59 feet (water level of 39.47 feet bgs). Drawdown as a result of pumping was observed in the three (3) monitoring wells. Monitoring Wells 7, 8 and 10 exhibited drawdowns of 4.45 feet, 3.04 feet and 4.23 feet, respectively. Drawdown as a result of the withdrawals from the Well 9 were not discernable in the wetland piezometers. TYAD Well 6 was in operation during the pumping test of Well 9 and the pumping at Well 6 impacted the water level in Well 9. Drawdown attributed to pumping from Well 6 was approximately 2.5 feet.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The transmissivity value for Well 9 test data was 4,306 ft²/day, at the test rate of 200 gpm. Including calculations from the monitoring wells the average transmissivity value for the pumping test was 4,259 ft²/day. An average Storativity of 6.85×10^{-7} was calculated from the drawdown data observed at monitoring wells 7, 8 and 10 monitored during the pumping test. The storage coefficient is indicative of confined conditions.

The DRBC has reviewed the hydrogeological report for Well 9 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well 9.

Well 10 Hydrogeologic Evaluation

On December 14 through December 17, 2015, a 72-hour continuous-rate pumping test was conducted to assess withdrawal capabilities of Well 10. The well was drilled 196 feet deep with 63 feet of casing installed and grouted. The major water-bearing zones were encountered at 135, 146 and 176 feet. The constant rate pumping test was also conducted to assess the underlying aquifer characteristics and potential impacts to the local hydrologic system. The average pumping rate of the test on Well 10 was approximately 200 gallons per minute (gpm). Discharge from the pumping well was directed outside of the estimated area where recharge effects might be expected. Well 10 was pumped for a total period of 4,320 minutes.

Groundwater response monitoring was conducted in the pumping well (Well 10), three (3) monitoring wells (Wells 7, 8 and 9) and three (3) piezometers in the wetlands located adjacent to the pumping well. Monitoring wells ranged in distance to the pumping well from approximately 300 feet (Well 9) to approximately 890 feet (Well 8). The piezometers in the

wetlands were located approximately 700 feet (MP-1) to 730 feet (MP-3) from the pumping well.

Prior to the start of the pumping test, the water level in Well 10 was 42.58 feet bgs. Maximum drawdown observed at the pumping well, after approximately 72 hours of pumping at a rate of 200 gpm, was 34.20 feet (water level of 76.78 feet bgs). Drawdown as a result of pumping was observed in the three (3) monitoring wells. Monitoring wells 7, 8 and 9 exhibited drawdowns of 4.93 feet, 3.51 feet and 5.07 feet, respectively. Drawdown as a result of the withdrawals from the Well 10 were not discernable in the wetland piezometers. TYAD Well 6 was in operation during the pumping test of Well 10 and the pumping at Well 6 impacted the water level in Well 10. Drawdown attributed to pumping from Well 6 was approximately 3.2 feet.

The observed drawdown data was used to calculate aquifer parameters to characterize the underlying aquifer. The transmissivity value for Well 10 test data was 3,818 ft²/day, at the test rate of 200 gpm. Including calculations from the monitoring wells the average transmissivity value for the pumping test was 4,186 ft²/day. An average Storativity of 2.92×10^{-5} was calculated from the drawdown data observed at monitoring wells 7, 8 and 9 monitored during the pumping test. The storage coefficient is indicative of confined conditions.

The DRBC has reviewed the hydrogeological report for Well 10 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to the pumping from Well 10.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

Based on consumptive use estimates of 10 percent for domestic and commercial uses, 30 percent for industrial process use and 5 percent for industrial cooling use, water use at the facility results in a consumptive use of approximately 18 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

In its Application, TYAD requested to retain the previously approved allocation of 20.66 mgm. Although the estimated ten-year projected maximum water use as stated in the Application is only 15.5 mgm (0.500 mgd), the additional allocation capacity would be available for TYAD to take on additional future workload in the event of base realignment and closure of other United States Army installations.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-1987-057 CP-4 below:

a. The projects described in Docket No D-1987-057 CP-3 is removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-1987-057 CP-4; and

b. Docket No. D-1987-057 CP-3 is terminated and replaced by Docket No. D-1987-057 CP-4.

c. The project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its water supply permits, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all well sources shall not exceed 20.66 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
2	140	3.10
6	140	4.13
7	75	3.36
8	75	3.36
9	150	3.36
10	150	3.36

e. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

f. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

g. This approval of the construction related to Well Nos. 7, 8, 9 and 10 as described in paragraph A.4.a of this docket shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has provided the Executive Director with written notification that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

h. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

i. Each new water service connection shall include a water meter in accordance with the DRBC’s Resolution No. 87-7 (Revised).

j. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

k. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. The docket holder shall continue to implement its Water Conservation Plan as approved by the PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

m. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

n. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

o. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

p. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

q. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

r. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

s. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

t. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the permit holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director,

and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the permit holder shall provide written notice to all potentially affected water users of the permit holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the permit holder's project withdrawal shall be repaired, replaced or mitigated at the permit holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the permit holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

u. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

v. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

w. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: September 14, 2016

EXPIRATION DATE: September 14, 2026